

Before the
Federal Communications Commission
Washington, D.C. 20554

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Eden, Texas)

MB Docket No. 03-74
RM-10676

Released: January 6, 2006

⁴ *Id.* See *Cloverdale, Alabama*, 12 FCC Rcd 2090, 2093 (MMB 1997), *app. for rev. denied*, 15 FCC Rcd 11,050 (2000); *Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990); *Kaukauna, Wisconsin*, 6 FCC Rcd 7142 (MMB 1991); and *Taccoa, Georgia*, 16 FCC Rcd 21, 191 (MMB 2001).

3. Eden, an incorporated community with a population in excess of 1,675 persons, is a community for allotment purposes and is deserving of a second local FM service. We therefore find that the public interest would be served by the allotment of Channel 294A at Eden, Texas. Channel 294A can be allotted at Eden with a site restriction of 11.4 kilometers (7.1 miles) southwest of Eden, at the following reference coordinates: 31-10-00 North Latitude and 99-57-01 West Longitude. Concurrence in the allotment by the Government of Mexico is required because the proposed allotment is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Although Mexican concurrence has been requested, notification has not been received. If a construction permit for Channel 294A at Eden, Texas, is granted prior to receipt of formal concurrence by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein for Eden, Texas, is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Mexico-United States FM Broadcast Agreement, or if specifically objected to by the Government of Mexico."

4. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁵

5. Accordingly, IT IS ORDERED, That effective February 21, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Eden, Texas	283A, 294A

6. IT IS FURTHER ORDERED, that the counterproposal of Katherine Pyeatt is DISMISSED.

7. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Linda Crawford
3500 Maple Avenue, #132
Dallas, Texas 75219

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

⁵ See 5 U.S.C. 801 (a)(1)(A).

8. A filing window period for Channel 294A at Eden, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 294A at Eden, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John Karousos
Assistant Chief
Audio Division
Media Bureau